

### **REMARKS**

This Amendment is fully responsive to the non-final Office Action dated June 19, 2007, issued in connection with the above-identified patent application. Claims 1-42 are all the claims pending in the present application. By this Amendment, independent claim 1 has been amended. No new matter has been introduced by this Amendment; thus, entry and reconsideration are respectfully requested.

To facilitate the Examiner's reconsideration of the application, the Applicants have provided a replacement abstract. Additionally, independent claim 1 has been amended to place the claim in better form for U.S. patent practice. The amendments made to independent claim are not provided to address any rejections by the Examiner (e.g., rejections pursuant to 35 U.S.C. §101, §102, §103 or §112).

In the Office Action, claims 1-4, 6-19, 21-25 and 27-42 have been rejected under 35 U.S.C. §102(b) as being anticipated by Higashida et al. (U.S. Patent No. 6,862,401, hereafter "Higashida"). Additionally, claims 5, 20 and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Higashida. At the outset, the Applicants respectfully point out that Higashida does not qualify as prior art under §102(b), since the reference was not published more than one year before the filing date of the present invention. Instead, Higashida appears to qualify as prior art under §102(e). Regardless, the rejections noted above are respectfully traversed for the reasons noted below.

The Applicants maintain that Higashida fails to disclose or suggest each and every element as recited in at least independent claims 1 and 22. Independent claim 1 recites "[a] recording apparatus for recording to a recording medium AV data containing at least one of audio data and video data, and recovery data for restoring management information for the AV data when AV data recording did not end normally, comprising:

- means for generating recovery data for each constant or variable period;
- means for generating AV data; and
- a recording means for recording the recovery data while interleaving the recovery data with the AV data during AV data recording."

The features noted above in independent claim 1 are similarly recited in independent claim

22.

Higashida fails to disclose or suggest at least the features of the claimed recording means. Specifically, the cited prior art fails to disclose or suggest a recording means for recording the recovery data while interleaving the recovery data with the AV data during AV data recording.

In the Office Action, the Examiner relies on col. 2, lines 35-43 for disclosing all the features of the claimed recording means. However, Higashida at col. 2, lines 35-43 merely discloses a file restoration means that is able to restore management information using history data. The operation of the file restoration means appears to be described in more detail with reference to col. 7, lines 28-51. At col. 7, lines 28-51, Higashida describes the use of a recording history 39 recorded on a hard disk 8, which can include information reflecting an interruption in recording AV data. For example, a recording/reproducing control means uses the recording history 39 to identify an AV data file that has no recording end time added. This AV data file is assumed to be a file whose AV data was destroyed due to a power interruption. The recording/reproducing control means then uses the recording history 39 to reproduce the lost or destroyed AV data.

Higashida, however, does not disclose or suggest that recovery data is interleaved with AV data during the recording of AV data. Instead, Higashida merely discloses the use of recorded history information to restore lost data. Therefore, Higashida appears to suffer from the same deficiencies noted by the Applicants in conventional digital recording apparatuses (see e.g., Background Of The Invention). Specifically, in a conventional digital recording apparatus, the loss of power during recording AV data can result in inconsistencies between the AV data and the management information. The AV data includes content related to television programs, movies, and other types of high volume moving pictures; wherein the management information relates to the title, recording date, aspect ratios, and similar technical information related to the AV data. Typically recording of management information occurs at specific times during the recording process (e.g., when a disc is ejected).

However, if power to a digital recording apparatus is unexpectedly interrupted before recording of the AV data is completed (e.g., due to a power failure), the recording operation could end without the management information for the AV data ever being recorded. Thus, the

and 22, addresses this problem by recording the AV data and the recovery data in an interleaved fashion, wherein the recovery data can contain the management information. Thus, the possibility of losing management information due to a power loss is significantly decreased.

Thus, Higashida cannot accomplish the effects of the present invention, and no obvious combination with or modification to Hagashida would result in, or otherwise render obvious, the present invention recited in independent claims 1 and 22.

Therefore, independent claims 1 and 22 are patentably distinguished over the cited prior art. Additionally, dependent claims 2-21 and 23-42 are patentably distinguished over the cited prior based at least on their dependency from independent claims 1 and 22. As such, it is submitted that the present claims are clearly allowable, and an early notice thereof is earnestly solicited.

After reviewing this Amendment, if the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Shiro IWASAKI et al.

By:



Mark D. Pratt

Registration No. 45,794

Attorney for Applicants

MDP(MSH)/ats  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
September 18, 2007